

**REMARKS**

Applicant wishes to thank the Examiner for his careful review of this application and for indicating that claims 1 – 6, 24 and 25 are allowable. Please reconsider this application in view of the above amendments and the following remarks.

**Disposition of the claims**

Claims 1 – 29 were previously pending. By way of this reply, claim 29 has been canceled. Currently, claims 1 – 28 are pending. Claims 1, 5, 6, 7, 17, 24, and 25 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

**Amendments to the claims**

Claims 7 and 17 have been amended to recite that the cassette(s) and holding mechanism(s) are capable of being freely inserted and removed from the main apparatus body by passing through their corresponding opening(s) on the apparatus body. Support for this amendment can be found, for example, in Figure 20 and the associated text. No new matter has been added.

In addition, claim 17 has been amended to clarify that the skewers are separately adjustable for each cassette/holding mechanism, i.e. all skewers belonging to the same cassette/holding mechanism would have the same speed regardless what speed they are adjusted to, but the rotation speeds of skewers belonging to different cassette/holding mechanism are independent from each other.

Further, Applicant has added new limitations to claim 17 to clarify that the heating time of the heaters and the rotation time of the skewers are also adjustable. Support for

these limitations can be found, for example, in paragraph [0281] of the original specification. No new matter has been added.

**Rejection under 35 U.S.C. §102**

Claims 7 – 9, 11 – 20, 23 and 28 stand rejected under 35 U.S.C. 102 as being anticipated by U.S. Pat. No. 2,588,046 (“Ridgely”). Independent claims 7 and 17 have been amended to further clarify the present invention. To the extent that this rejection may still apply, Applicant respectfully traverses the rejection as follows.

With respect to independent claims 7 and 17, claim 7 recites an apparatus for skewering food. The apparatus has a body having at least one opening thereon and at least one cassette that can be freely inserted and removed from the opening by passing through the opening. Each cassette has rotateable holding members for holding food. The holding members may be rotated at speeds that are adjustable for each individual cassette. Claim 17 recites an apparatus for skewering food having a main apparatus body, a heater, and at least one food holding mechanism. The apparatus body has openings allowing the food holding mechanism to be freely inserted into and removed from the main body by passing through the opening. Claim 17 further recites that the rotation speeds of the skewers are separately adjustable for each holding mechanism.

In the Office Action dated March 29, 2006, the Examiner stated that the terms “freely detachable” and “freely removable” provide no structural limitations for the cassette or the holding mechanism. The Examiner further asserted that because the doors or cassettes disclosed in Ridgely can be removed, they are, therefore, considered to meet the “freely detachable/removable” limitations recited in claims 7 and 17. In addition, the Examiner also

stated that with respect to the “adjustable rotation speeds” limitation, because the holding members can be moved into and out of contact with the rotating means at the discretion of the user, this meets the “rotation speed being adjustable” limitation of claims 7 and 17.

During a telephone interview with the Examiner conducted on May 16, 2006, the Examiner indicated that the above rejection may be overcome if the “freely detachable” language were to be changed to similar languages such as that used in allowed claim 6 (i.e., amend claims 7 and 17 to recite further structural descriptions of the manner by which the cassette or holding mechanism is “inserted” or “detached.”) The Examiner has also indicated that the newly added “heating time” and “rotation time” limitations of claim 17 would also be allowable, provided that the “freely detachable” issue is properly addressed. Accordingly, Applicant has amended claims 7 and 17 to recite that the cassette(s) and holding mechanism(s) are capable of being freely inserted and removed from the corresponding opening(s) on the main apparatus body by passing through the opening(s).

In addition, Applicant has also amended claim 7 to further clarify that the rotation speed of the holding members are the same for all holding members within the same cassette but are separately adjustable for each cassette. Thus, during operation of a food skewering apparatus according to claim 7, the speed of the food holding members can be varied arbitrarily, i.e., the speed is adjustable. In contrast, while rotation of Ridgely’s spits can be turned on and off by moving the sprocket (elements 50, 49, and 32 of Figure 1) into and out of contact with sprocket chain (element 40 of Figure 1), one skilled in the art would not consider such action as adjusting speed. Moreover, in the cooking device of Ridgely (Figure 1), it is disclosed that all sprockets are driven by one common sprocket chain. One skilled in the art would immediately recognize

that when arranged in such a configuration, it is mechanically impossible to vary the rotation speeds of the spits individually. This “adjustable speed” limitation is also recited in claim 17.

Further, with respect to claim 17, Ridgely does not teach that the heating time of the heater is adjustable or that the rotation time of the spits is adjustable.

For at least these reasons, independent claims 7 and 17 are patentable over Ridgely. Dependent claims 8, 9, 11 – 16, 18 – 20, 23 and 28 are also patentable over Ridgely for at least the same reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. §103**

##### **Claims 10, 21, 22, 26, and 27**

Claims 10, 26, and 27 are rejected as being unpatentable over Ridgely in view of U.S. Pat. No. 2,306,519 (“Bobo”). Claims 21 and 22 are rejected as being unpatentable over Ridgely in view of U.S. Pat. No. 2,485,359 (“Cook”).

Claim 10 depend directly from claim 7. Claims 21, 22, 26 and 27 depend directly from claim 17. In rejecting claims 10, 26, and 27, the Examiner stated that Ridgely meets all limitations of claims 7 and 17 and relied on Bobo to provide the missing “grease tray” limitation recited in claims 10, 26, and 27. With respect to claims 21 and 22, the Examiner also cited Ridgely as the primary reference and relied on Cook to provide the missing “ventilation opening” limitations recited in claims 21 and 22.

As set forth above, Ridgely does not anticipate claims 7 and 17 because Ridgely does not teach at least that the cassette or the food holding mechanism are freely removable and

that the rotation speeds of the holding members are individually adjustable. Bobo, also does not teach at least the “freely removable cassette” limitation of claim 7 and the “freely detachable holding mechanism” of claim 17. Moreover, all three cited references are completely silent with respect to the “adjustable heating time” and “adjustable rotation time” limitations of claim 17. Insofar as the combination of Ridgely and Bobo does not meet each and every limitations of claims 7 and 17, Ridgely and Bobo does not render claims 7 and 17 obvious. For at least the same reasons, dependent claims 10, 26 and 27 are also patentable over Ridgely and Bobo.

Similarly, Cook teaches a conventional range oven having ventilation openings, but does not teach at least the “freely removable holding mechanism” and the “adjustable speed holding mechanism” limitations of claims 17. Cook is also silent as to the “adjustable heating time” and “adjustable rotation time limitations. Therefore, claim 17 is also patentable over Ridgely and Cook. Dependent claims 21 and 22 are also patentable over Ridgely and Cook for at least the same reasons.

#### Claim 29

Claim 29 is rejected as being unpatentable over U.S. Pat. No. 5,632,098 (“Finch”) in view of U.S. Pat. No. 3,529,536 (“Milhem”). Claim 29 has been canceled. Thus, this rejection is now moot.

In view of the above, withdrawal of all rejections is respectfully requested.

#### Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number

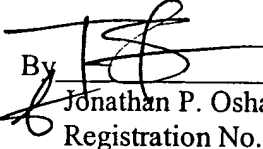
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